

**COMMISSION MEETING****1:30 P.M.****MAY 6, 2020**

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, May 6, 2020, in the City Commission Meeting Room with Mayor Giefer presiding and Commissioners Brinkman, Geitz, Gilligan and Smith present. Also present were City Manager McAnarney, Assistant City Manager Massey and City Clerk Sull and City Attorney Montgomery. All present via Zoom Meeting.

**Consent Agenda**

Commissioner Gilligan requested item c, Consider Change Order No. 2 for the Downtown Sanitary Sewer System Improvements Project NO. SS1803, be removed from the Consent Agenda.

It was moved by Commissioner Gilligan, seconded by Commissioner Geitz that the remaining balance of the Consent Agenda listed below be ratified as a whole:

- a. Consider minutes of the Regular Meeting held on April 15, 2020.
- b. Consider ratification of Payroll Ordinance for the period ending on April, 2020.

The vote follows: Commissioner Gilligan, aye; Commissioner Geitz, aye; Commissioner Brinkman, aye; Commissioner Smith, aye; and Mayor Giefer, aye.

**CONSENT AGENDA  
(Item c.)**

- c. Consider Change Order No. 2 for the Downtown Sanitary Sewer System Improvement Project No. SS1803.

Commissioner Gilligan stated that the Downtown Sanitary Sewer project was temporarily delayed due to COVID-19 and the contractor was not working. He asked why this change order was an increase to the contract.

City Manager McAnarney stated this work was at Bunge, which was extra work on the original contract.

Jim Ubert, City Engineer, stated this change order is for additional work on 6<sup>th</sup> Avenue underneath railroad tracks by Bunge, upgrade of materials that increased costs, and work that has already been completed. He stated the Change Order is valid and the contractor should be paid.

Following further discussion, Commissioner Geitz made a motion to approve item c of the Consent Agenda. Commissioner Smith seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Gilligan, aye; and Mayor Giefer, aye.

**CITY COMMISSION  
(Public Comment)**

This is the time for the public to make comments. No comments were made at this time.

Sergeant Lisa Sage, representing the Emporia Police Department, accepted a proclamation declaring the week of May 10 through 16, 2020, as "National Police Week" in Emporia. She stated every day, dedicated law enforcement officers put themselves at risk to keep their fellow American safe. Law enforcement officers deserve our appreciation for the work they do, and citizens fulfill an important civic responsibility to supporting their work to protect our communities. She stated on Peace Officers Memorial Day and during Police Week, we honor the heroism of all our law enforcement officers, especially those who have given their lives so that other might live. By joint resolution of the US Congress in 1962, the President of the United States designated May 15<sup>th</sup> of each year as Peace Officers Memorial Day and the week in which it falls as "National Police Week" and also directed the flag be flown at half-staff on Peace Officers Memorial Day on May 15<sup>th</sup> of each year. She urged everyone to remember those throughout out Nation who lost their lives while protecting others.

Mayor Giefer then presented the proclamation.

Mayor Giefer accepted a proclamation declaring the month of May 2020 as "Community Action Month" in Emporia. He stated Community Action has made essential contributions to individuals and families across the Nation by creating economic opportunities and strengthening communities. He stated Community Action promotes community-wide solutions to challenges throughout our cities, suburbs, and rural areas and delivers innovative

services and supports that create greater opportunities for families and children to succeed. He urged all citizens to recognize the hard work and dedication of all Emporia Community Action Agencies.

**CITY COMMISSION  
(Board Appointment)**

**Emporia Public Library Board:**

\_\_\_\_\_It was moved by Commissioner Smith, seconded by Commissioner Brinkman that Ciera Symmonds be appointed to the Emporia Public Library Board to fill an unexpired term that expires April 30, 2023; and Andrew Smith and Carol Lucy be appointed to the Emporia Public Library Board for terms that expire April 30, 2024. The vote follows: Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Geitz, aye; Commissioner Gilligan, aye; and Mayor Giefer, aye.

**SEWER MAINTENANCE  
(Lift Stations No. 1, 2 and 15)  
(Design & Engineering Contract with BG Consultants, Inc.)**

Dean Grant, Director of Public Works, was recognized and addressed the Governing Body. He stated lift stations No. 1 and 2 are over 40 years old and they have had no significant rehabilitation since they were put into service in the 1970's. In 2017, one of the two pumps at lift station No. 1 failed and had to be replaced. He stated there are three (3) pumps between the two (2) lift stations which are over 40 years old. Lift station No. 15 is budgeted to have the pumps replaced this year, however, it needs to also be resized to handle the flows it receives. Staff is recommending that the design for lift stations No. 1, 2 and 15 be completed. There is \$1,000,000.00 from the State Revolving Fund (SRF) for lift stations No. 1 and No. 2 and \$100,000.00 was budgeted from the Sewer Fund for lift station No. 15. The total cost of design for all three (3) lift stations is \$313,350.00. He stated staff is recommending approval of the Design and Engineering Contract with BG Consultants, Inc. in the amount of \$313,350.00. He stated after design is completed, construction could begin in Spring of 2021.

City Manager McAnarney stated the City may qualify for additional funding through a CDBG grant for lift station No. 2, to help with this project.

Commissioner Geitz made a motion to approve the Design and Engineering Contract with BG Consultants, Inc. for lift stations No. 1, 2 and 15 in the amount of \$313,350.00. Commissioner Gilligan seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Gilligan, aye; Commissioner Brinkman, aye; Commissioner Smith, aye; and Mayor Giefer, aye.

**MUNICIPAL AIRPORT  
(Airport Seal Coat Project)  
(KDOT Project No. A-2020-08)  
(Bids)**

Dean Grant, Director of Public Works, was recognized and addressed the Governing Body. He stated bids were received to seal coat the runway at the airport. He stated the Emporia Airport received a 90/10 grant from Kansas Department of Transportation (KDOT) to fund the project. The bids are as follows:

**BID TABULATION FOR SEAL COAT PROJECT**

<b>Contractor</b>	<b>Bid</b>
<b><i>Gee Asphalt Systems, Inc. Cedar Rapids, IA</i></b>	<b><i>\$192,201.34</i></b>
Vance Brothers, Inc. Kansas City, MO	\$192,704.65
Scodeller Construction Wixom, MI	\$194,098.05
American Road Maintenance Tucson, AZ	\$261,587.45

He stated the confirmed low bid for this project is from Gee Asphalt Systems in the amount of \$192,201.34. The City is responsible for 10% of the construction which is \$19,220.13. A total of \$45,000.00 was budgeted for this project. He stated staff was recommending awarding the airport seal coat and remark runway project to Gee Asphalt Systems, Inc. for \$192,201.34.

Commissioner Smith made a motion to award the airport seal coat and remark runway project to Gee Asphalt Systems, Inc. in the amount of \$192,201.34 with the City's share to be \$19,220.13. Commissioner Geitz seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Geitz, aye; Commissioner Brinkman, aye; Commissioner Gilligan, aye; and Mayor Giefer, aye.

**MUNICIPAL AIRPORT  
(Airport Seal Coat Project)  
(KDOT Project No. A-2020-08 & KDOT Project No. A-2020-09)  
(Design and Construction Services with HW Lochner)**

Dean Grant, Director of Public Works, was recognized and addressed the Governing Body. He stated this item is part of the airport seal coat project for design and construction services. The cost for construction services from HW Lochner is not to exceed \$35,300.00. The City's ten percent of this contract is \$3,530.00. This is included in the total budgeted amount of \$45,000.00 for this project. He stated staff is recommending approval of the contract for airport seal coat construction services contract with HW Lochner in an amount not to exceed \$35,300.00.

Commissioner Smith made a motion to approve the airport seal coat construction services contract with HW Lochner not to exceed \$35,300.00 with the City's share to be \$3,530.00. Commissioner Gilligan seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Gilligan, aye; Commissioner Brinkman, aye; Commissioner Geitz, aye; and Mayor Giefer, aye.

**PAVING  
(2020 Slurry/Chip Seal Program)  
(Bids)**

Dean Grant, Director of Public Works, was recognized and addressed the Governing Body. He stated bids were received for the 2020 slurry seal and chip seal program. The following is the bid tabulation:

**BID TABULATION FOR SLURRY SEAL AND CHIP SEAL:**

**SLURRY SEAL**

Est quantities for 2020		11,604 sy.	11,000 lbs	59,874 sy.
VENDOR		MILLING	CRACK SEAL	SLURRY SEAL
		(Cost per yd.)	(Cost per lb)	(Cost per yd)
Vance Bros., Inc.	Unit Cost	\$2.52	\$2.34	\$2.41
Howie Snyder	Total	\$29,242.08	\$25,740.00	\$144,296.34
5201 Brighton				
Kansas City, MO		Estimated Project Total \$199,278.42		

**CHIP SEAL**

Est quantities for 2020		11,604 sy.	11,000 lbs	59,874 sy	59,874 sy.
VENDOR		MILLING	CRACK SEAL	CHIP SEAL	FOG SEAL
		(Cost p/yd)	(Cost p/lb)	Cost p/yd)	(Cost p/yd)
Vance Bros., Inc.	Unit Cost	\$2.52	\$2.34	\$2.05	\$0.70
Howie Snyder	Total	\$29,242.08	\$25,740.00	\$122,741.70	\$41,911.80
5201 Brighton					
Kansas City, MO		Estimated Project Total \$219,635.58			

<b>APAC Shears, Inc.</b>	<b>Unit Cost</b>	<b>\$2.55</b>	<b>\$2.18</b>	<b>\$2.05</b>	<b>\$0.46</b>
<b>302 Peyton St.</b>	<b>Total</b>	<b>\$29,590.20</b>	<b>\$23,980.00</b>	<b>\$122,741.70</b>	<b>\$27,542.04</b>
<b>Emporia, KS</b>					

**Estimated Project Total \$203,853.94**

He stated one slurry seal bid and two chip seal bids were received. The slurry seal bid was \$199,278.42 or \$4,575.52 less than the lowest chip seal bid. He stated chip sealing the streets has a life of approximately 7 years versus slurry seal life of approximately 5 years. He stated the budgeted amount for residential streets is \$200,000.00 and staff is recommending awarding the chip seal project to APAC Shears, Inc. in the amount of \$203,853.94.

Commissioner Gilligan made a motion to award the chip seal project to APAC Shears, Inc. in the amount of \$203,852.94. Commissioner Smith seconded the motion. The vote follows: Commissioner Gilligan, aye; Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Geitz, aye; and Mayor Giefer, aye.

**ENGINEERING**

**(Peyton Street Watermain Improvements Project No. WM1902)**  
**(South Avenue to 6<sup>th</sup> Avenue)**  
**(KDHE Project No. KPWSLF No. 2968)**  
**(Bids)**

Jim Ubert, City Engineer, was recognized and addressed the Governing Body. He stated bids were received on the Peyton Street Watermain Improvements from South Avenue to 6<sup>th</sup> Avenue. The project had ten plan

holders and five bids were submitted. The bids are as follows:

**BID TABULATION FOR PEYTON STREET WATERMAIN IMPROVEMENT**

<b>Contractor</b>	<b>Base Bid</b>	<b>Add Alternate No. 1</b>
Dondlinger & Sons Const. Co, Inc.	\$462,391.00	\$499,928.00
Rubick Construction, Inc.	\$418,781.76	\$495,546.88
Middlecreek Corporation	\$440,233.00	\$461,796.00
Nowak Construction Co., Inc.	\$324,547.50	\$360,513.10
<b>Greeley Excavating, LLC</b>	<b>\$323,194.00</b>	<b>\$345,635.00</b>
Engineer's Estimate	\$372,052.00	\$446,322.00

He stated the project is funded by KDHE revolving loan fund money KPWSLF No. 2968 and staff is recommending awarding the Peyton Street Watermain Improvements Project to Greeley Construction, LLC for the add alternate bid amount of \$345,635.00, subject to KDHE approval.

Following further discussion, Commissioner Geitz made a motion to award the bid for the Peyton Street Watermain Improvements South Avenue to 6<sup>th</sup> Avenue Project No. WM1902, to Greeley Construction, LLC for the add alternate bid amount of \$345,635.00, subject to KDHE approval. Commissioner Smith seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Gilligan, aye; Mayor Giefer, aye.

**ENGINEERING**  
**(2020 Street Resurfacing Project No. PV2001)**  
**(Bids)**

Jim Ubert, City Engineer, was recognized and addressed the Governing Body. He stated bids were received for the 2020 Resurfacing Project No. PV2001 on April 7, 2020. There were two bids submitted. The bids are as follows:

**BID TABULATION FOR 2020 STREET RESURFACING PROJECT NO. PV2001.**

<b>Contractor</b>	<b>Base Bid</b>	<b>Add Alternate No. 1 Bid</b>	<b>Add Alternate No. 2 Bid</b>	<b>Grand Total Base Bid, Add Alt. 1 &amp; 2</b>
<b>Killough Const.</b>	<b>\$727,962.57</b>	<b>\$134,478.68</b>	<b>\$94,750.70</b>	<b>\$ 957,191.95</b>
APAC-KS, Inc.	\$792,049.71	\$146,972.36	\$98,033.91	\$1,037,055.98

Engineer's Est.	\$791,973.40	\$131,122.75	\$90,309.00	\$1,013,405.15
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He stated this project will be funded out of the Multi Year Fund or the Federal Fund Exchange Program. He stated staff is recommending awarding the project to Killough Construction, Inc. for a total base bid amount of \$727,962.57, and Add Alternate No. 1 bid of \$134,478.68, and Add Alternate No. 2 bid of \$94,750.70 for a total bid amount of \$957,191.95. This amount is within the Engineer's Estimate and the City's overall budget for the project.

Commissioner Brinkman questioned why the local bidder would not be awarded the project. She stated she felt for the difference between the low bidder and Engineer's Estimate wasn't significant and wanted to see the local bidder get the project.

Commissioner Gilligan stated while the local bidder was only approximately \$23,650.83 higher than the engineer's estimate it was \$79,864.03 higher than the low bid, that is a significant tax savings, or two street employees that we would be spending and we need to be efficient with the expenses of tax payers dollars and city staff recommended the low bidder.

Following further discussion, Commissioner Smith made a motion to award the 2020 Street Resurfacing Project No. PV2001 to Killough Construction, Inc. for a total base bid amount of \$727,962.57, Add Alternate No. 1 Bid of \$134,478.68 and Alternate No. 2 Bid of \$94,750.70 for a total bid amount of \$957,191.95. Commissioner Gilligan seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Gilligan, aye; Commissioner Geitz, aye; Commissioner Brinkman, nay; and Mayor Giefer, aye.

**ECONOMIC DEVELOPMENT**  
**(Simmons Pet Food KS, Inc. - Tax Exemption on Real Property)**  
**(Ordinance Number 20-09)**

AN ORDINANCE EXEMPTING CERTAIN PROPERTY FROM AD VALOREM TAXATION FOR ECONOMIC DEVELOPMENT PURPOSES IN EMPORIA, LYON COUNTY, KANSAS, to which the City Clerk assigned Ordinance Number 20-09, was presented to the Governing Body for their consideration.



City Manager McAnarney stated the City Commission has previously approved an Incentive Compliance Agreement to exempt property taxes on the 2018-19 real property improvements associated with the Simmons Pet Food KS, Inc. business expansion. The agreement provided for a ten-year property tax exemption on the real property associated with the expansion. He stated Simmons Pet Food KS, Inc. has completed the expansion project and met the criteria that was established by the City Commission in the Incentive Compliance Agreement.

Commissioner Gilligan made a motion to approve Ordinance Number 20-09, an ordinance authorizing the tax exemption on the real property improvements associated with the 2018-19 business expansion of Simmons Pet Food KS, Inc., in Emporia. Commissioner Geitz seconded the motion. Commissioner Geitz stated he was speaking in behalf of RDA and strongly support the City doing this. He stated that Simmons has currently over 700 employees. Some of the things they have been doing to be a good corporate citizens is during the last few weeks they have been helping providing meals for the hospital, fire department, police department. They have also been supporting our local restaurants by purchasing meals for their own employees which has been about 3,000 meals. Commissioner Gilligan stated this has been a great example of benefits of economic development. Simmons began here in 1994 as Menu Pet Foods, they have gone through five different expansions, investing over \$100,000,000. They have grown and weathered downfalls in the industry, economic recessions, current situations, and continue to give to the community. The was a call for the vote as follows: Commissioner Gilligan, aye; Commissioner Geitz, aye; Commissioner Brinkman, aye; Commissioner Smith, aye; and Mayor Giefer, aye.

**INDUSTRIAL REVENUE BONDS  
(Series A, 2020 and Series B, 2020)  
(Emporia Downtown Redevelopment Group, LLC)  
(Roosevelt Plaza & Lofts/Legacy Lofts)  
(Ordinance Number 20-10)**

AN ORDINANCE AUTHORIZING THE CITY OF EMPORIA, KANSAS TO ISSUE ITS TAXABLE INDUSTRIAL REVENUE BONDS, SERIES A, 2020 (EMPORIA DOWNTOWN REDEVELOPMENT GROUP, LLC), IN THE AGGREGATE PRINCIPAL AMOUNT OF \$3,310,000 AND ITS SUBORDINATED TAXABLE INDUSTRIAL REVENUE BONDS, SERIES B, 2020 IN

THE AGGREGATE PRINCIPAL AMOUNT OF \$814,109 FOR THE PURPOSES OF FINANCING A COMMERCIAL AND RESIDENTIAL BUILDING KNOWN AS THE ROOSEVELT PLAZA & LOFTS AND A RESIDENTIAL BUILDING KNOWN AS THE LEGACY LOFTS AND (3) PAYING CERTAIN COSTS OF ISSUANCE; AUTHORIZING EXECUTION OF A TRUST INDENTURE BETWEEN THE CITY AND COMMUNITY NATIONAL BANK & TRUST, IOLA, KANSAS, AS TRUSTEE; AUTHORIZING EXECUTION OF ADDITIONAL BOND DOCUMENTS RELATING TO ISSUANCE, PAYMENT AND PURCHASE OF THE 2020 BONDS, to which the City Clerk assigned Ordinance Number 20-10, was presented to the Governing Body for their consideration.

Jim Witt, Special Projects Manager, was recognized and addressed the Governing Body. He stated the City of Emporia adopted Resolutions declaring an intent to issue bonds for the purpose of purchasing, acquiring, constructing, furnishing and equipping a mixed use building to be known as the Roosevelt Plaza & Lofts, consisting of 1 or 2 commercial suites and seventeen (17) loft style apartments at 1102 Commercial Street, as well as a three story building to be known as the Legacy Lofts consisting of thirty (30) loft style apartment at 1101 Mechanic Street. The approval of this bond ordinance is the final step in the issuance of the bonds and will authorize the City of Emporia to issue Taxable Industrial Revenue Bonds, Series A, 2020 in the aggregate principal amount of \$3,310,000 and its subordinated taxable industrial revenue bonds, Series B, 2020 in the aggregate principal amount of \$814,109, for the purpose of paying the costs of the Project and certain costs of issuance. He stated City funds will not be paying these bonds nor will the city have any financial obligation.

Following further discussion, Commissioner Geitz made a motion to approve Ordinance Number 20-10, an ordinance to issue Industrial Revenue Bonds Series A, 2020 and Series B, 2020 issued on behalf of Emporia Downtown Redevelopment Group, LLC. Commissioner Smith seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Gilligan, aye; and Mayor Giefer aye.

**PAVING PROJECT**  
**(12<sup>th</sup> Ave. from Mary St. to Whittier St.)**  
**(Burlingame Rd. from 12<sup>th</sup> Ave. to Riley Ave.)**  
**(South Ave. from East St. to Commercial St.)**  
**(Main Trafficways Improvements/Peter Pan Park Parking Lot Improvements)**  
**(Ordinance Number 20-11)**

AN ORDINANCE OF THE CITY OF EMPORIA, KANSAS AUTHORIZING THE CITY TO MAKE MAIN TRAFFICWAY IMPROVEMENTS AND PARKING LOT IMPROVEMENTS AND AUTHORIZING THE CITY TO ISSUE GENERAL OBLIGATION BONDS TO PAY COSTS THEREOF, to which the City Clerk assigned Ordinance Number 20-11, was presented to the Governing Body for their consideration.

City Manager McAnarney stated this action will preserve the authority for the city to issue Main Trafficway and Park Improvements General Obligation Bonds for the project in the future. He stated it is unlikely the city would use this option since there are funds available in the Federal Exchange Funds Account and the Multi-Year Fund for this project. This is an additional financing method the city could utilize as staff monitors the potential amount of decrease in sales tax collections due to the Coronavirus pandemic. He stated additional action would be needed to be approved by the City Commission to move forward with issuing bonds if needed.

Commissioner Smith made a motion to approve Ordinance Number 20-11, an ordinance authorizing the City to make Main Trafficway Improvements and Park System Improvements. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Geitz, aye; Commissioner Gilligan, aye; and Mayor Giefer, aye.

**EMPORIA MUNICIPAL AIRPORT**  
**(Federal Aviation Administration -CARES ACT Relief Fund)**  
**(Grant)**

City Manager McAnarney stated the City was recently notified it was awarded \$30,000.00 under the CARES stimulus act. He stated the City will have to meet the rules and regulations that are in place and will be able to meet those. The money will can be used for improvements and or operations at the airport, depending on how the rules are written. He stated staff is recommending acceptance of the grant.

Commissioner Smith made a motion to accept the \$30,000.00 grant from

the Federal Aviation Administration CARES ACT Relief Fund for the Emporia Municipal Airport. Commissioner Geitz seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Geitz, aye; Commissioner Brinkman, aye; Commissioner Gilligan, aye; and Mayor Giefer, aye.

**FIRE DEPARTMENT/EMS  
(United States Department of Health and Human Services)  
(CARES ACT Relief Fund)  
(Grant)**

City Manager McAnarney stated the City was notified it was also awarded \$53,606.18 based on 2019 Medicare Part A and Part B billings. He stated the city will be able to meet the rules and regulations to receive the funds. He stated this is approximately 6.2% of the 2019 billings that the City has billed to Medicare. He stated staff is recommending acceptant of the grant.

Commissioner Smith made a motion to accept the \$53,606.18 grant from the United States Department of Health and Human Services CARES ACT Relief Fund. Commissioner Gilligan seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Gilligan, aye; Commissioner Brinkman, aye; Commissioner Geitz, aye; Mayor Giefer, aye.

**CITY COMMISSION  
(City Manager's Report)**

This is a verbal report that announces upcoming events, recognizes employees for outstanding contribution and provides the public information that may be of a general interest. The following information was presented at the meeting:

At the time this Agenda was prepared, the following items were in the works:

**Tentative Agenda for May 13th Study Session**

Review the Proposal from the Airport Consultants Lochner Assoc.  
The Vacating of One County Road Segment at the Airport.  
Discuss New Website  
Discuss Fireworks

Emergency Solutions Grant  
Discuss Rural Water District #2 Contract  
City Financial Review and Update

Commissioner Geitz suggested that the next scheduled commission meeting for May 20, 2020, be held in the City Commission Meeting Room.

Commissioner Gilligan reminded the public to be counted for the 2020 Census. He stated only about 59% of the population has been counted for Lyon County and the importance of an accurate count will benefit the community for the next 10 years.

Commissioner Smith then made a motion to adjourn. Commissioner Geitz seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Geitz, aye; Commissioner Brinkman, aye; Commissioner Gilligan, aye; and Mayor Giefer, aye.

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Danny Giefer, Mayor

ATTEST:

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Kerry Sull, City Clerk